

Town of Montville  
**Montville Law Enforcement Feasibility Committee**  
**Meeting Agenda for Tuesday, December 2, 2014**  
6:30 p.m. – Room 203 – Montville Town Hall

1. Call to Order

Chairman Pike called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

3. Roll Call

Present were Bill Bucko, Jeff Buebendorf, Joe DePasquale, Robert Giffen, Victor Lenda, Tim May, and Wills Pike. Also present were Lt. Leonard Bunnell, Resident State Trooper Sgt. James Smith, and Public Safety Commission Chairman David Jetmore.

4. Presentations

a. Murray Pendleton, Chief of Police, Waterford

Chairman Pike thanked and introduced Chief Pendleton and stated the Committee's charge.

Chief Pendleton expressed his appreciation for the opportunity to speak with the Committee, stating that this is his third invitation to speak regarding the issue since 1999 and hopes for a positive outcome. He discussed his previous associations with the Montville Police Department, aside from his relationship with Lt. Bunnell whom he has known since the Lieutenant was a Rookie. In 1999, he, along with the, then, Westport Police Chief, representing the CT Chiefs of Police and the Municipal Assistants Program, a newly formed group tasked with the evaluation of police agencies that were small in numbers, reviewed the Police Department to determine whether they would be capable of becoming a full-time law enforcement agency. The majority of the Chiefs at that time had a fair to substantial amount of time as the Chief of Police, himself having been with Waterford Police Department since 1967, the Deputy Chief since 1984, and, currently, Chief for over 21 years. He recalls being faced with a unique assignment in Montville, whose Public Safety Commission felt that it was time for an independent police department while the First Selectman disagreed. Nevertheless, they received the cooperation of both the committees and public officials involved. Each of the Chiefs of the Municipal Assistants Program had very specific assignments, including the investigation of the facilities to determine whether it would be adaptable to accommodate an independent PD, any existing legal ramifications to determine whether any ordinances or laws may interfere or hinder the creation of an independent PD, the operational procedures to determine what was in place and its existing relationships with other agencies as a police department rather than a subdivision of the State Police, and an evaluation of the budget. At the time, the facility had space inadequacies, including the lack of cells. In terms of the budget, with which he was tasked, he recalls being presented with the unique challenge of locating and extracting figures for such items as police cars and repairs and health and

benefits that were located elsewhere in the budget to determine their entire budget. All of these elements were combined to create a complete, cohesive package and presented to the Town. While there did not appear to be a general consensus, he sensed that there was a feeling of the possibility of becoming an independent PD. Along with the First Selectman, there did not appear to be a lot of sincerity with the 24 officers and it became apparent at a Public Hearing that was held to present and discuss the issue that the formation of an independent PD was not in their immediate future. This initial investigation led to a 2001/2002 Report. Four to five years later, the facility became an issue as the activities increased and the need and demand for the accomplishment of specific issues became apparent. At this time, he worked with Mr. Jim Toner conducting inspections and made a general report of their findings, beginning the findings for a new facility. His last involvement came through a second request from the CT Police Chiefs. At this time, he made a cameo appearance to help with the budget and noticed that some of the items from his previous report had been corrected.

During the 2000s, the surrounding communities, with the exception of Norwich and New London, which were fairly well-established, were growing, expanding, and becoming, for the most part, their own agency in an effort to pursue certain ventures and meet the needs of the changing times. To his knowledge, though a State Trooper was appointed as their first active Chief of Police for a relatively short period of time, Waterford was never under the RST Program.

The staffing at Waterford PD is unique due to the 1984 creation of the Crystal Mall, which contains approximately 156 stores, three nuclear functioning plants creating a substantial amount of traffic, and the construction of the casinos in its surrounding communities. As the result, the density and demographics of the local area is constantly evolving. These changes led to the addition of one detective and four patrolmen, bringing their total number of officers to approximately 30. As such, each shift was comprised of four to five officers for the day shift, five officers for the evening shift, and a minimum of four officers for the midnight shift. Over the next several years, officers were added as the result of other initiatives, mandates, and changing needs. By 1990, there were 46 officers and, currently, there are 48 officers, including one who has been assigned as the Animal Control Officer. Originally, a civilian Animal Control Officer (ACO) covering the towns of both Waterford and East Lyme had been in place since 1967 with funding for the facility provided by Waterford and funding for transportation, maintenance, and gasoline by East Lyme. While the original civilian ACO was able to function independently, his successors often required the assistance of a Police Officer for various reasons including to allay his/her fears and anxieties. As the result, a study was conducted and it was determined that it would be more cost-effective and practical for each community to contribute approximately \$50,000.00 for the basic pay, vehicle, and health and benefits for a Police Officer/ACO.

Patrol Staffing has remained relatively consistent since 1984. Millstone's deregulation of tax disbursement in the community negatively impacted the town of Waterford, its major recipient. As such, it became necessary for them to do the best they could with less and was, luckily, provided the freedom and mobility to make any necessary adjustments, create positions, and make assignments under and within the constraints of the contract. Though he has had the opportunity to work under the First, Second, and Third Selectmen in the past, he currently works under the Police Commission on which the First Selectman sits. In the former situation, he found that politics began to play a role in the overall decision-making process. As such, he favors working under the Police Commission, which is made up of five members of the community with varying backgrounds. By ordinance, the Police Commission is responsible for the hiring, firing, disciplining as provided by contract, of officers and has a legal right to provide insight and oversight in various areas. They do not override him or the First Selectman with exception to those aforementioned areas. There is also a multitude of regulations requiring their endorsement to modify any regulations. The First Selectman reviews the Chief of Police.

The town of Waterford recently attained the 20,000 population bracket – a number he felt is unrealistic as the town serves as a conduit for those entering/exiting New London, the beach resort(s) with both seasonal and year-round residents, Niantic State Park, and East Lyme as well as those visiting the Crystal Mall, Waterford Commons, and its numerous other stores and businesses. He estimates that, on any given day, the population totals approximately 26,000 and can grow to 50,000 to 60,000 people. With regards to the FBI's recommendation of 2.5 Officers per 1,000 people, he felt that it was difficult to suggest a uniform number as there are many factors involved in determining the adequate number of officers required to serve a given community, including the amount and types of criminal activities and the actual demographics of the area.

Their overtime budget in 2013 was \$150,000.00 and close to \$300,000.00 was expended. There have also been years when up to \$400,000.00 was expended, very little of which, if any, is recouped. By contract, each officer is guaranteed vacation time, emergency leave, sick time, personal leave, and the like. The replacement of those individuals falls under "replacement overtime". Not all officers are replaced during his/her leave. Rather, the necessity to replace an officer for such unforeseen, but expected, occurrences is based upon the evaluation of the shift commander, i.e., lieutenant or sergeant. Overtime consists of an extension of the officer's duty, early call-in, DUI assignment, etc. There is no minimum staffing and their shift schedule is 5/3. The number of officers assigned per shift is dependent upon the happenings in the town. Revenue derived from an annual \$60,000.00 stipend received from assigning an individual to the CT Intelligence Center (CTIC). Over the past ten years, he has brought in \$600,000.00 in revenue from this assignment alone, which contributes to their replacement overtime line item. In Montville, what is designated as replacement overtime in Waterford is listed under supplemental overtime. While the Lieutenant's budget is not broken down, a record of where the overtime hours are being spent

is recorded and they do have a required minimum patrolling. The continuations and follow-ups are similar to Waterford's. Commissioner DePasquale added that the Chief has a unique way of forming the department's budget that utilizes a team approach and involves the calculation of each Officer's salary, regular OT amount, and PTO (paid time off) amount, leaving guesswork at a minimum. The largest line item in the budget is salaries, which he estimates to be approximately 96% of their total budget. The health and welfare benefits of the officers are included in the overall budget of the town as town employees.

Chief Pendleton currently serves as the town's Emergency Manager in charge of Communications as well as the Chairman of the Harbor Management Commission. Their Communications budget is incorporated in the budget of Emergency Management. In the 2000s, the radio system for the fire, police, maintenance, etc. departments were merged into one town-wide radio system utilizing one radio type and one maintenance contract. Their maintenance agreement is in excess of \$200,000.00 and includes fire, police, medical, and public utilities. Built with expansion in mind, the system's infrastructure, which includes five antennas, is such that it allowed the City of New London, who pays approximately half of the maintenance agreement, to utilize their infrastructure by simply purchasing new radios and making a few minor changes. While they are currently not dispatching for New London, they are in negotiations to do so. Commissioner DePasquale added that, though their fire/EMS and police dispatchers are not located in the same building, they are considered public service dispatchers who are trained in receiving and directing all fire, EMS, and police calls. The income received from the contractual agreement with New London, the rental of the property on which the towers sit, and its maintenance, etc., totals approximately \$250,000.00

With regards to his usage of the State police and his relationship with them, Chief Pendleton stated that there are a number of police issues that his department is unable to handle due to the lack of equipment, money or inability to continuously train in specific areas for which he looks to the State police for assistance. For example, though all of the detectives and senior patrolmen have a fair to advanced stage of experience in crime scene processing, should there be a major occurrence, it would be unthinkable for him to not look to the State Police, who have the best, well-trained individuals with great familiarity with such types of incidents, to handle such matters. Whether a town opts to stay with the RST Program or establish an independent PD, the State Police is always there for you and they have a substantial amount of assets and resources that independent PDs do not have. He looks to the State Police as a member of the team and as a partner. As such, he was unsure as to whether that aspect should have any influence on their decision. Commissioner DePasquale added that in many cases, the State has brought out a team of investigators to seize evidence and process crime scenes, allowing additional investigators and the town's detectives to follow-up on the case. There are also instances when an investigation may be turned over to the State's Major Crimes Unit, at the request of the State Attorney.

Chief Pendleton reiterated the importance of the team concept, stating that, prior to 2001, the smaller, organized PDs, constabularies, and RSTs existed as, relatively, separate entities and functioned on their own. After 9/11, it became a necessity for all of the departments and organizations to work together and become partners with each other to accomplish their goals.

The majority of today's grants are based upon the understanding that the police department is engaged in a partnership with other police departments. Most of the things he has been able to accomplish is based upon this one critical element and is an important and necessary way to conduct business. Given the current economic strength of the State, he stressed the importance of being able to personally select those with whom he would like to be in partnership.

He stated the importance of providing pertinent data to justify and indicate where they are and where they need to be. He added that he spent a substantial amount of money on the training of officers so that should one of the officers depart, there is another individual who can easily step in in his/her stead. His current proposed budget for staffing is \$5.5 million covering 37-38 square mileage of area. The PD takes care of an excess of 1,400 crashes a year, larcenies, domestic disturbances, etc. in addition to time being dedicated with the schools and the elderly, who comprise of approximately one-third of the population and whose needs range from hoarding to being victims of crimes including scams. Currently, Waterford has two School Resource Officers. Unlike Stonington, they do not handle the medical calls. Larceny is the common thread of crime throughout East Lyme, Waterford, and Montville.

A few of the pros of an independent police department include:

- 1) Determining whether or not you are happy with the service that is being provided to the community. For example, in selecting a police chief, you would need to determine the skills and qualities that he/she should have and once that is accomplished, the selection is easy. Similarly, you should determine what services you would like the police department to have and of which the community is entitled and, from there, decide which system will best serve those aspects, in particular, and your community, as a whole.
- 2) As far as the community is concerned, one must be able to go with the flow. One should look at the community, listen to the areas of concern, and make a decision(s) as to whether or not those service(s) can be provided.
- 3) The RST Program appears to be showing signs of levels of frustrations between the communities they serve and the need for additional troopers as evidenced by the rapid turnover rate of RSTs in communities. In addition, there appears to be a growing anxiety regarding the idea that it is time for certain communities to establish an independent police force.

The decision to establish an independent PD is an independent decision based upon what the community feels is in their best interest. A town may feel the need and desire to have input upon areas they would like to place their focus. For example, in Waterford, with the help of the Police Commission, better than 50% of their Police Officers were born and raised in the

town. In Redding, all of the necessary elements, including the budget and support of the Mayor, Chief, and a number of the officers led to a favorable outcome with no significant obstacles in the formation of an independent police force. In contrary, when the issue first went to referendum in Montville, the Mayor and Town Council did not support an independent PD. Likewise, the construction of the Public Safety Building was not wholly supported, but, through marketing, they were able to overcome that obstacle. In the same manner, an effective marketing strategy/plan will need to be instituted to justify and support the establishment of an independent police department. It was added that a number of the existing encumbrances at the time of the referendum have since been resolved, e.g., the Public Safety Building, and a different climate now exists. One of the elements that would be improved upon should the town opt for an independent PD is a more accurate reporting of the various types of incidences.

In terms of the administrative staff, Chief Pendleton stated that, in many small agencies the sergeants often take on some of the administrative responsibilities assisting the lieutenant(s). In many cases, there exists an individual in charge, either a Captain or Chief, and, in most cases, possibly a senior employee. For many years, he had a Deputy Chief, but in order to eliminate the blockade between himself and the various department heads, he did away with that position and they now report directly to him. A sergeant is assigned to each shift and, possibly, additional sergeants for the busy shifts. There are currently four detectives in Waterford. He includes in the department two core full-time investigators and assigns two young promising patrol officers to the investigative division for a period of two-years. With respect to the records staff, there are three secretaries — one for the detectives and three for records (two working the day-shift and one working the evening-shift, primarily doing data entry). The Chief has an administrative assistant and an office manager. By Municipal Policy, FOI requests must go through the Town Council. He discussed the need to provide the community with the services to which they are entitled. For example, in the case of pistol permits, each permit is assigned a case number and requires a visit to the applicant's residence with respect to who, where, and how the weapon(s) will be housed to ensure the public's safety and proper storage of weapons. Faced with the limitation of officers and 251 pistol permits, Lt. Bunnell is unable to invest the officers and time involved required to do the same. Very rarely are permits not approved and are usually due to incomplete applications, felony records, erroneous information. The infrequent interaction between the police and the public leads to their lack of knowledge in realizing the needs of the police.

Chief Pendleton suggested organizing a team. For example, many communities during the 1970s formed a taxpayers' association as the result of the residents' unhappiness with their taxes. Assigned to head the team, he decided to build a team of individuals that included a finance person, an ex-First Selectman, and other members of the community. The Committee reached out to the community by creating a network of communications via correspondence and letters to the editor. Similarly, with the building of the Public Safety Building in

Montville, a Political Action Committee was formed comprised of citizens from the community who worked to do the same.

Councilor May agreed with the need for pertinent data and stated that, after listening to both his and Chief's Stewart's presentations, he now has a better appreciation of their jobs as the police chiefs of their respective towns. Both are educated and spoke of the business end of their position of which many are unaware. He foresees the Committee requesting his assistance in taking advantage of his experience and helping them sell the idea to the public. Chief Pendleton expressed that he is more than happy to help them and looks forward to building and expanding their team.

In response to Mr. Bucko who asked whether he is/has been faced with any insurmountable or daunting encounters in his everyday police work, Chief Pendleton responded that the First Selectman plays a big role in his day-to-day tasks and there have been those who have tested him and those who have allowed him to do his job. Luckily, he has been fortunate enough to have more than the latter than the former. Secondly, every community has its problem people with issues and, unfortunately, police departments must resolve those issues. Residents call the police daily regarding incidences they see occurring, e.g., speeding. Unfortunately, the department is unable to respond to all of the calls due to the lack of the necessary assets. One should be reminded that Police Officers are human and there needs to be a fair and equitable system to investigate the complaints received by the general public regarding the conduct of an Officer.

Chief Pendleton offered the Montville Police Department timeline from the previous report.

The Committee expressed their appreciation to Chief Pendleton for coming and speaking with them.

The Committee took a short recess at 8:21 p.m. and reconvened at 8:27 p.m.

5. Alterations to the Agenda - none.
6. Approval of the Regular Meeting Minutes of November 18, 2014  
Motion made by Councilor May, seconded by Mr. Buebendorf. Discussion: None. Voice vote, 7-0, all in favor. Motion passed
7. Remarks from the public relating to matters on the agenda with a three-minute limit - none.
8. Unfinished Business
  - a. Review of previous independent Police Department studies and reports
    - 1) Presentation of Findings - *in process*
  - b. Status and scheduling of the following presentations:
    - 1) Douglas S. Fuchs, Chief of Police, Redding – scheduled for December 16, 2014
    - 2) District Commander, CT State Police

Sgt. Smith will contact the District Commander regarding his availability for either January 6 or January 20, 2015.

3) Terry Hart, Finance Director for the Town of Montville

Though the exact mill rate increase will be difficult to determine as it is based upon a number of issues, the Committee, once the final estimated cost increase for the establishment of an independent police department is determined, will request a rough estimate of the mill rate.

The Committee will continue to review the financial report as provided by the Finance Director.

9. New Business

The Committee agreed to Chairman Pike's wish to send thank you notes to all of the speakers after their discussions have been completed.

10. Remarks from the Public with a three-minute limit

Lt. Bunnell responded to the list of Pros/Cons, which were distributed to the Committee at their last meeting adding the following comments:

- Disputed: Loss of RST "conduit" to State Police – the conduit and use of the State Police would continue to exist as an independent PD.
- Con: Loss of State Police troopers supplementing officers when needed (low priority calls) – They would, though, lose the RST to support the department for routine calls, but for a donnybrook or other major calls.
- Disputed: Cost of impound lot – Due to the latest developments, the cost of the impound lot will not be an anticipated cost.
- Disputed: Cost of dispatch – The cost of dispatching is also continuing to progress though it will not be included as many towns as it was originally hoped.
- Disputed: Increased number of police cars – The department currently has 18 patrol cars and additional officers will not require any additional vehicles, but additional mileage will be placed on the vehicles. Currently, 250,000 miles are accumulated in total per year. At least eight officers who reside in the Town are allowed, by contract, to take home their vehicles and are on call and on duty 24/7 when utilizing the vehicle. For the most part, the officers utilize their vehicles to drive to/from work. Approximately four to five vehicles remain at the station at all times.
- Con: Maintenance of training records – Already being done and is not an issue
- Con: Upgrade to the portable and mobile radio system – Due to the upgrading of the State system, they will need to budget for the upgrade if continue on with the RST program. The estimated cost for the upgrade is \$163,999.00, excluding installation and reduced rate for bulk purchase.

- Con: Loss of the Public Safety Building's special areas – A large square footage of the building housing such areas as the detention area, number of lockers, youth services area, interview and evidence rooms will go to waste should the Town opt to remain with the RST program.
- Pro: Greater accuracy of identifying crime statistics – For example, certain crimes, such as identity theft, are not specifically recorded as such by the State. What is recorded is what the dispatcher receives and how he/she records/categorizes the call. Should an independent PD be established, the recording of information will be more accurate and they will have better accountability.

#### 11. Remarks from the Committee Members

Commissioner DePasquale stated that he discussed some of the issues that the Committee raised regarding the role of the Public Safety Commission (PSC). As such, PSC Chairman David Jetmore and/or Commissioner Moran will be attending their future meetings. He reiterated the difference between the Public Safety Commission and the Police Commission in that the Public Safety Commission has only the power to recommend. Mr. Giffen stated that it would be helpful for additional representatives of the Commission to attend the meeting as, once the report is released, it will, most likely, go to the Commission for their recommendation.

Additionally, Commissioner DePasquale stated that he discussed the Almont Report with the Commission. PSC Chairman Jetmore stated that, by Charter, the Town was required to have a Public Safety Plan. As such, the Plan was commissioned and produced by Almont Associates. The report was sent to the Town Council and a joint meeting, where he presented the report, was held. While they worked on implementing some of the recommendations in the plan, they had received a number of obstacles, primarily by the Fire Department(s). The actual presentation and date of the presentation to the Town Council of the Report was questioned.

Mr. Lenda suggested the possibility of applicants attending the Academies of either the New Haven and/or Hartford Police Departments, rather than the State Municipal Academy, to expedite the hiring/training process. Lt. Bunnell stated that that is a possibility, but they are currently being faced with the problem of the available pool of applicants passing the process prior to attending the Academy. Should the prospective applicants pass the process, they would be able utilize the two alternative academies. He stated that an additional problem occurs once the officers have graduated from the Academy and the limited timeframe within which the officers receive the proper training from the qualified field officers. Currently, there are four qualified field officers on the force and each officer is required to train with the field officer for a period of 18-weeks. Due to the length of training time, it is not possible to have all four officers training four trainees at the same time. Mr. Lenda stated the need to look into alternative ways to expedite the staffing such as inquiring whether the Law Enforcement Council would provide a special test or, possibly, the department, itself, providing their own test or opening up the list. Mr. Lenda added that if the police officers are not in support of an independent PD, such a change will not be successful and it is they who would need to market the idea. Furthermore, he stated the importance of community

policing where the officers aim to keep their cruisers clean and presentable, placing a vehicle in front of the Public Safety Building to show that the building is open, and acknowledging the members of the community by smiling, waving, or the like. Lt. Bunnell stated that they have not had a problem with the list of available applicants and have not yet needed to open the list, but agreed with the use of alternative academies as well as the importance of community policing.

Mr. Buebendorf thanked Lt. Bunnell for his input on the list of Pros and Cons, reiterating that the documents are fluid and dynamic. He added that, whenever possible, he noted the source(s) of the items. He welcomed everyone to forward any revisions/modifications to the lists.

Mr. Bucko stated, for the record, that the Almont Report was submitted in September 2012 and received in the Town Clerk's office on October 15, 2012 at 11:27 a.m. With respect to the marketing process, he stated that the Committee's task is not to market, but to investigate, document, and report upon their findings.

Chairman Pike stated his interest was peaked by the mentioning of Police Commissions by both Chiefs. He felt they had a great evening and expressed his appreciation of the Committee's time and effort as well as their engagement in the process and felt that the critical information being received will be helpful in the creation of their final presentation to which he looks forward.

12. Adjournment

Motion made by Mr. Giffen, seconded by Councilor May, to adjourn the meeting at 8:52 p.m. Voice vote, 7-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary